

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:04-cr-0164-LJM-DKL-1
)	
ANTHONY J. WILLIAMS,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On March 11, 2015 and March 18, 2015, the Court held hearings on the Petition for Warrant or Summons for Offender Under Supervision filed on May 29, 2014. Defendant Williams appeared in person with his appointed counsel, Joseph Cleary. The government appeared by Barry Glickman, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Troy Adamson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Williams of his rights and provided him with a copy of the petition. Defendant Williams waived his right to a preliminary hearing.

2. After being placed under oath, Defendant Williams admitted the violations.

[Docket No. 25.]

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

Violation	
<u>Number</u>	<u>Nature of Noncompliance</u>

1 **“The defendant shall not commit another federal, state, or local crime.”**

According to Muncie Police officers, on May 16, 2014, the offender entered a liquor store in Muncie, Indiana, and concealed his identity with a mask and a handkerchief. The offender approached the cashier and stuck a hard object into his side and demanded money. The cashier pulled out a handgun and a physical struggle ensued between the cashier and the offender. During the struggle with the handgun, the cashier shot the offender in the hip. The U.S. Probation Officer confirmed with the Delaware County Prosecutor that preliminary charges of attempted robbery are pending; however, a cause number has yet to be issued for the case.

2 **“The defendant shall refrain from any unlawful use of a controlled substance.”**

3 **“The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.”**

4 **“The defendant shall not frequent places where controlled substances are illegally, sold, used, distributed, or administered.”**

Although drug testing yielded negative results, on July 18, 2013, the offender admitted using marijuana on July 4, 2013.

Although drug testing yielded negative results, on March 18, 2014, the offender admitted using both powder and crack cocaine on March 10, 2014.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade A violation.
- (b) Defendant’s criminal history category is IV.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 24 to 30 months’ imprisonment.

5. The Government recommended a sentence of 24 months with no supervised release to follow. Defendant asked for a term of imprisonment less than 24 months.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that

his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 24 months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 03/20/2015

A handwritten signature in cursive script, reading "Denise K. LaRue", written over a horizontal line.

Denise K. LaRue
United States Magistrate Judge
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email generated by the court's ECF system

United States Probation Office, United States Marshal